

ORDINANCE NO. 416 N.S.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES BY ADDING THERETO CHAPTERS 21.25, 21.26, 21.27, 21.28, 21.29 AND 21.30 TO TITLE 21 RELATING TO SCHOOL FACILITIES FEE/DEDICATION

SECTION 1: The Municipal Code of the City of El Paso de Robles be and hereby is amended by adding Chapters 21.25, 21.26, 21.27, 21.28, 21.29 and 21.30 to Title 21 thereto to read as follows:

TITLE 21  
SCHOOL FACILITIES FEE/DEDICATION ORDINANCE  
CHAPTER 21.25  
GENERAL

Sec. 21.25.010. Title.

This chapter 21.25 shall be known and may be cited as the "School Facilities Fee/Dedication Ordinance."

Sec. 21.25.020. Authority.

This chapter 21.25 is adopted pursuant to the provisions of Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7 of the Government Code.

Sec. 21.25.030. Purpose.

The purpose of this chapter 21.25 is to provide a method for financing interim school facilities necessitated by new residential developments causing conditions of overcrowding.

Sec. 21.25.040. Regulations.

The City Council may, from time to time, by resolution, issue regulations to provide for the administration and implementation of this chapter 21.25.

Sec. 21.25.050. General Plan.

The General Plan of the City of El Paso de Robles provides for the location of public schools. Where facilities are to be constructed from fees required to be paid or from land required to be dedicated hereunder, or both, they shall be consistent with the General Plan.

CHAPTER 21.26  
DEFINITIONS

Sec. 21.26.010. Conditions of Overcrowding.

"Conditions of overcrowding" means that the total enrollment of an attendance area's school or schools, including enrollment from proposed development, exceeds the capacity of such school or schools within the attendance area, as determined by the governing body of the school district in accordance with standards set forth in Section 21.30.060 of this Title.

Sec. 21.26.020. Decision-Making Body.

"Decision-making body" means the City Council of the City of El Paso de Robles.

Sec. 21.26.030. Dwelling Unit.

"Dwelling unit" means a building or portion thereof, or a mobilehome, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit.

Sec. 21.26.040. Reasonable Methods For Mitigating Conditions of Overcrowding.

"Reasonable methods for mitigating conditions of overcrowding" shall include, but are not limited to, concepts such as:

- (a) Any agreements entered into by the affected school district which would alleviate conditions of overcrowding caused by new residential development;
- (b) The use of relocatable structures, student transportation, and school boundary realignments;
- (c) The use of available bond or state loan revenues to the extent authorized by law;
- (d) The use of funds which could be available from the sale of surplus school district real property and funds available from other appropriate sources, as determined by the governing body of affected school districts;
- (e) Agreements between a subdivider or other developer of residential developments in the affected school district whereby temporary-use buildings will be leased to or for the benefit of the school district or temporary-use buildings owned by the school district will be used.

Sec. 21.26.050. Residential Development.

"Residential development" means a project containing residential dwellings, including mobilehomes, of one or more units, or a division of land for the purpose of constructing one or more residential units. Residential development includes, but is not limited to, a preliminary or final development plan, a subdivision tentative of final map, a parcel map, conditional use permit, a building permit, or any other discretionary permit for any residential use.

CHAPTER 21.27  
OVERCROWDING ATTENDANCE AREA

Sec. 21.27.010. Findings and Notice.

Pursuant to Government Code Section 65970 et seq., the governing body of a school district may make a finding supported by clear and convincing evidence that:

- (a) Conditions of overcrowding exists in one or more attendance areas within the district which will impair the normal functioning of educational programs, including the reason for such conditions existing; and
- (b) All reasonable methods of mitigating conditions of overcrowding have been evaluated; and
- (c) No feasible method for reducing such conditions exist. Upon making these findings, the school district must provide the city with written notice of its findings as provided in Section 21.27.020.

Sec. 21.27.020. Findings - Requirements.

Any notice of findings sent by a school district to the city shall specify:

- (a) The findings listed in Section 21.27.010; and
- (b) Findings of facts and a summary of the evidence upon which the findings in Section 21.27.010 were based; and

- (c) The mitigation measures and methods, including those listed in Section 21.26.040, considered by the school district in any determination made concerning them by the district; and
- (d) The precise geographic boundaries of the overcrowded attendance area or areas; and
- (e) Such other information as may be required by Council regulation.

Sec. 21.27.030. Concurrence by City.

After receipt of any notice of findings complying with the requirements of Section 21.27.020, the Council, if it concurs with such school district findings, shall do so by resolution.

Sec. 21.27.040. Findings For Development Approval.

Within an attendance area, where the Council has concurred in a school district's notice of finding that conditions of overcrowding exist, no decision-making body shall approve an application for a residential development within such area, unless such decision-making body makes one of the following findings:

- (a) That pursuant to this Title, provision has been made for payment of fees, dedication of land, or both, or some other provision has been agreed upon by the applicant for a residential development in the school district to mitigate the conditions of overcrowding within that attendance area;
- (b) That there are specific, overriding physical, economic, social, or environmental factors, which, in the judgment of the decision-making body, would benefit the city thereby justifying the approval of a residential development otherwise subject to the provisions of this Title without requiring the payment of fees or the dedication of land or other alternate provision required by Chapter 21.28 of this Title.

CHAPTER 21.28  
REQUIREMENTS, STANDARDS AND PROCEDURES

Sec. 21.28.010. Payment of Fees, Dedication of Land.

In an attendance area where the Council has concurred as provided in Chapter 21.27 that overcrowding exists, the applicant of a proposed residential development, as a condition of approval, or the obtaining of a building permit, shall pay fees, make an equivalent arrangement in lieu thereof, dedicate land, or do a combination thereof, as set forth in Section 21.28.040 hereof, unless excepted as provided in Section 21.27.040, subsection (b), as determined by the decision-making body during the hearings and other proceedings on specific residential development applications falling within their respective jurisdiction. Prior to the imposition of the fees, or the dedication of land, or both, it shall be necessary for the decision-making body acting on the application to make the following determination: That the facilities to be constructed, purchased, leased, or rented from such fees or the land to be dedicated, or both, are consistent with the general plan.

Sec. 21.28.020. Payment of Fees In Small Residential Developments.

Only the payment of fees shall be required in subdivision containing 50 parcels, or less, or other developments containing 50 units, or less.

Sec. 21.28.030. Standards For Fees Or Land.

Any requirement imposed pursuant to this Title 21 shall bear reasonable relationship and will be limited to the needs

of the community for interim elementary or high school facilities, and shall be reasonably related and limited to the need for the schools caused by the development.

Sec. 21.28.040. Amount of Fees Or Land.

- (a) When fees are required by this Title 21 to be paid in lieu of land dedication or as a combination, or both, such fees shall be, and paid as follows:
  - (i) \$100.00 per bedroom up to a maximum of \$500.00 per dwelling unit other than mobilehome dwelling units.
  - (ii) \$300.00 for each mobilehome dwelling unit.
  - (iii) The city is not liable for failure to collect the fee and city may recover its cost of collecting said fees.
- (b) The standards for the amount of dedicated land required shall be recommended by the governing board of each school district where a determination has been made pursuant to Sections 21.27.010 and 21.27.020 that conditions of overcrowding exist. Such standards and facts supporting them shall be transmitted to the City Council. If the City Council concurs with such standards, they shall, until revised, be used by the decision-making bodies in situations where dedications of land are required as a condition to the approval of a residential development. Nothing herein shall prevent the City Council from establishing and using standards other than those established by the school district in the event that the Council does not concur in those transmitted by the district.

CHAPTER 21.29  
FEE PAYMENT OR LAND DEDICATION

Sec. 21.29.010. Fee Required.

If the payment of a fee is required, such payment shall be made at the time the building permit is approved and issued. Fees shall be held in trust by the city until transferred to the affected school district or districts; provided that such fees shall be transferred to the school districts within thirty (30) days of the receipts hereof.

Sec. 21.29.020. Land Dedication.

Land shall be deeded or dedicated directly to the school district or districts under procedures set forth by the City Attorney.

Sec. 21.29.030. Refunds.

- (a) If a final subdivision map, a parcel map, or conditional use permit is vacated or voided, and the city or school district still retains the land, and if the applicant so requests, such land shall be returned to the applicant.
- (b) If a residential development approval is vacated or voided, and if the city or school district still retains the fees collected therefor, and if the applicant so request, such fees shall be returned to the applicant.

Sec. 21.29.040. School Districts Schedule.

Following concurrence by the Council pursuant to Section 21.27.030, the Council shall notify each school district affected

thereby. The governing body of the school district shall then submit by August 1 of each year a schedule specifying how it will use during this school year the fees or land, or both, and how fees or land, or both, have been used in the previous school year, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available, and the time when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the City Council and the reasons for the modifications.

CHAPTER 21.30  
USES AND LIMITATIONS OF USES OF FEES AND LANDS

Sec. 21.30.010. Use of Fees and Land.

All fees or land, or both, collected pursuant to this Title 21 and transferred to a school district, shall be used only by the district for the purpose of providing interim elementary or high school classroom and related facilities.

Sec. 21.30.020. Agreement For Fee Distribution.

If two separate school districts operate schools in an attendance area where the Council concurs that overcrowding conditions exist for both school districts, the Council will enter into an agreement with the governing body of each school district for the purpose of determining the division of revenues from the fees levied pursuant to this Title 21.

Sec. 21.30.030. Account.

Any school district receiving funds or land pursuant to this Title 21 shall maintain a separate account for any fees paid and disposition of land received, and shall file a report with the Council on the balance and account at the end of the previous fiscal year and the facilities leased, purchased or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1 of each year, and shall be filed more frequently at the request of the Council.

Sec. 21.30.040. Termination of Dedication Or Fee Requirements.

When it is determined by the City Council that conditions of overcrowding no longer exist in an attendance area, decision-making bodies shall cease imposition of any requirements under this Title 21.

Sec. 21.30.050. Standards For Determining School Pupil Capacity.

A school is overcrowded if its present enrollment plus enrollment from proposed development would result in any of the following to exist:

- (a) The number of pupils per classroom exceeds 30; or
- (b) The number of pupils at a school exceeds the number for which the school was originally designed; or
- (c) The number of square feet of classroom space per average daily attendance (ADA) is less than:
  - (i) 55 square feet per pupil of ADA in grades K through 6; or
  - (ii) 75 square feet per pupil of ADA in grades 7 or 8; or
  - (iii) 85 square feet per pupil of ADA in high school classes; or

(iv) 60 square feet per pupil of ADA in continuation school.

SECTION 2: SEVERABILITY. In the event any word, phrase and/or provision of this ordinance is duly determined by any court to be invalid for any reason whatsoever, then in such event every other word, phrase and provision of this ordinance shall remain in full force and effect; and it is hereby declared to be the intent of this City Council that in the event of such invalidity determination, that the invalid word, phrase, and/or provision shall be construed to be severable from the remainder of this ordinance.

SECTION 3. This ordinance shall take effect and be in full force and effect immediately as to any portion hereof concerning taxation, and thirty (30) days after its passage as to all other portions thereof, and before the expiration of fifteen (15) days after the passage of this ordinance, it shall be published once with the names of the members of the City Council voting for and against the ordinance, in the Daily Press, a newspaper of general circulation published in the City of El Paso de Robles.

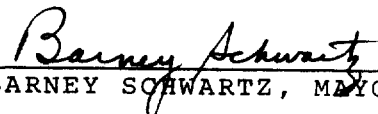
INTRODUCED at a regular meeting of the City Council held on the 20th day of June, 1978, and PASSED AND ADOPTED by the City Council of the City of El Paso de Robles, State of California, on the 27th day of June, 1978 by the following roll call vote, to-wit:

AYES: Hanson, Minshull, Stemper and Schwartz

NOES: None

ABSENT: Councilman Hurst

ABSTAINING: None

  
BARNEY SCHWARTZ, MAYOR

ATTEST:

  
DONALD B. KEEFER, CITY CLERK

APPROVED AS TO FORM AND LEGAL EFFECT:

MICHAEL T. LESAGE  
City Attorney



Dated: 5/20/78